

APR 20 2004
U.S. TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Josephine E. LOMETILLO et al.

Patent No.: 6,713,101 B2

Confirmation No.: 3913

Patent Date: March 30, 2004

Application No.: 09/846,989

For: FROZEN DESSERT NOVELTY AND
METHOD FOR ITS PREPARATION

Filing Date: May 1, 2001

Attorney Docket No.: 88265-4031

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.322

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Patentees hereby respectfully request the issuance of a Certificate of Correction in connection with the above-identified patent. The corrections are listed on the attached Form PTO-1050, submitted in duplicate. The corrections requested are as follows:

On the title page at item [75] Inventors, please correct the name and residence address of the second-named inventor "Singhachai Surintranspanot, Dublin, OH (US)" to --

-- Singhachai Surintranspanont, Bangkok, (TH) --. Support for this correction can be found on the Supplemental Declaration filed September 29, 2003.

Also, patentees submit herewith two (2) sheets of formal drawings for Figs. 1-6 to substitute for the drawings that were printed in the patent. The drawings printed in the patent are the informal drawings that were initially filed with the application on May 1, 2001. On July 16, 2001, however, applicants filed two (2) sheets of formal drawings for Figs. 1-6. A copy of the Submission of Formal Drawings is attached hereto along with a copy of the date-stamped postcard receipt from the Patent Office. It is submitted that the formal drawings that were timely and properly submitted during prosecution of the application should be presented with the issued patent.

Furthermore, it is respectfully submitted that a certificate of correction is not appropriate to make this correction. Instead, patentees respectfully request that the Patent Office issue a corrected patent in lieu of the certificate of correction as a more appropriate form for presenting the formal drawings in the patent. In addition, it is requested that the reprinted patent should be made at no cost to patentee.

As all of the requested changes are for errors that appear to have been made by the Patent Office, no fee is believed to be due for this request. Should any fees be required, however, please charge such fees to Winston & Strawn LLP Deposit Account No. 50-1814. Please issue a corrected patent or Certificate of Correction in due course.

Respectfully submitted,

4/20/04

Date



Allan A. Fanucci, Reg. No. 30,256

**WINSTON & STRAWN LLP
Customer No. 28765**

202-371-5904

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 6,713,101 B2
DATED: March 30, 2004
INVENTORS: Lometillo et al.

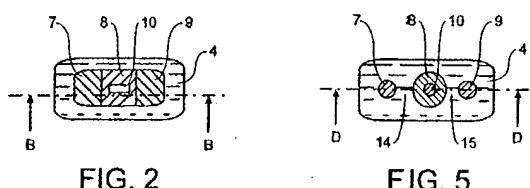
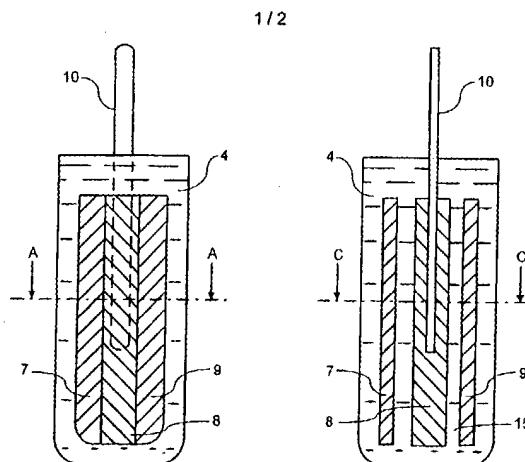
Page 1 of 2

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page:

Item [75] Inventors, change "Singhachai Surintranspanot, Dublin, OH (US)" to
-- Singhachai Surintranspanont, Bangkok (TH) --

Replace Figs. 1-6 with the following figures:



UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 6,713,101 B2
DATED: March 30, 2004
INVENTORS: Lometillo et al.

Page 2 of 2

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

2 / 2

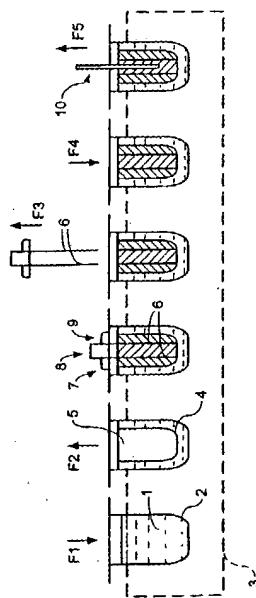


FIG. 3

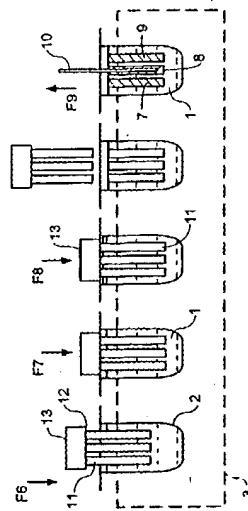


FIG. 6

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 6,713,101 B2
DATED: March 30, 2004
INVENTORS: Lometillo et al.

Page 1 of 2

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Replace Figs. 1-6 with the following figures:

1/2

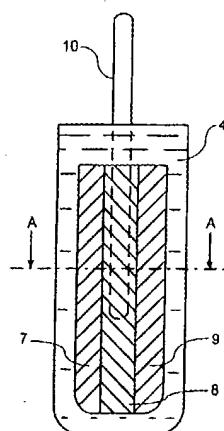


FIG. 1

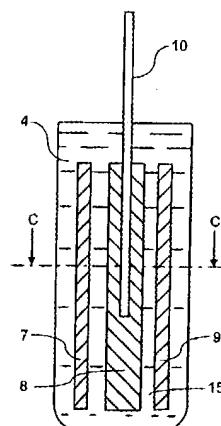


FIG. 4

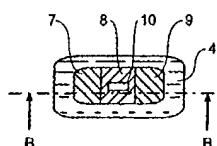


FIG. 2

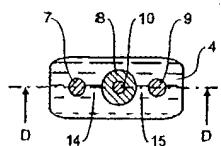


FIG. 5

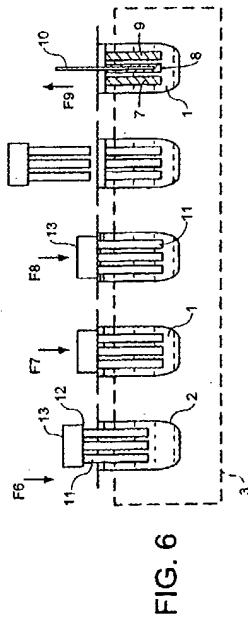
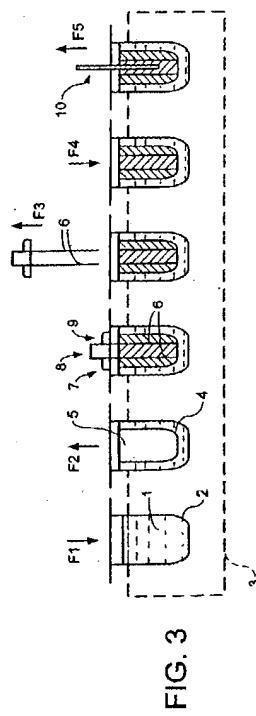
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 6,713,101 B2
DATED: March 30, 2004
INVENTORS: Lometillo et al.

Page 2 of 2

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

2 / 2





US006713101B2

(12) **United States Patent**
Lometillo et al.(10) **Patent No.:** US 6,713,101 B2
(45) **Date of Patent:** Mar. 30, 2004(54) **FROZEN DESSERT NOVELTY AND METHOD FOR ITS PREPARATION**

(75) Inventors: Josephine E. Lometillo, Hilliard, OH (US); Singhachai Surintranspanont, Dublin, OH (US)

(73) Assignee: Nestec S.A., Vevey (CH)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 273 days.

(21) Appl. No.: 09/846,989

(22) Filed: May 1, 2001

(65) **Prior Publication Data**

US 2002/0164403 A1 Nov. 7, 2002

(51) Int. Cl.⁷ A23G 3/00; A23G 9/00

(52) U.S. Cl. 426/91; 426/100; 426/249; 426/68; 426/565; 426/576; 426/578

(58) **Field of Search** 426/91, 100, 249, 426/68, 565, 576, 578(56) **References Cited**

U.S. PATENT DOCUMENTS

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WO WO 94/06305 3/1994

* cited by examiner

Primary Examiner—N. Bhat

(74) Attorney, Agent, or Firm—Winston & Strawn LLP

(57) **ABSTRACT**

A frozen dessert novelty which is a water ice molded confection product that includes a thin translucent shell and a multi-colored core which is encased into the shell and which is visible in the product before and during consumption, and a process for preparing it. The product is mounted on a stick to facilitate handling and eating.

19 Claims, 2 Drawing Sheets

Surintranspanont, Bangkok (TH)



Express Mail No. EH 803540430 US

Dated Mailed: July 16, 2001

Application of: J. LOMETILLO et al.

Application No.: 09/846,989

Filed: May 1, 2001

For: FROZEN DESSERT NOVELTY AND
METHOD FOR ITS PREPARATION

Response to Notice to File Missing Parts of
a NonProvisional Application

Executed Declaration;

Copy of Notice;

Executed Power of Attorney by Assignee; and
Executed Assignment with

Assignment Recordation Cover Sheet; and

Submission of Formal Drawings (Figs. 1-6)

File No. 88265-4031 Sender: AAF/dk



APR 20 2004
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail No. EL 803540430US

Application of: J. LOMETILLO et al.

Application No.: 09/846,989

Group Art Unit: 1761

Filed: May 1, 2001

Examiner:

For: FROZEN DESSERT NOVELTY AND
METHOD FOR ITS PREPARATION

Attorney Docket No.: 88265-4031

SUBMISSION OF FORMAL DRAWINGS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully submit herewith two (2) sheets of formal drawings, corresponding to Figs. 1-6 and request entry of the enclosed drawings into the file of the above-identified application.

It is estimated that no fee is required for transmittal of the formal drawings. In the event a fee is required, please charge the required fee to Winston & Strawn Deposit Account No. 501-814. A copy of this sheet is enclosed.

Date: 7/16/01

Respectfully submitted,



Allan A. Fanucci (Reg. No. 30,256)

WINSTON & STRAWN
200 Park Avenue
New York, New York 10166-4193

Enclosures

(212) 294-6700

APR 20 2004
PATENT

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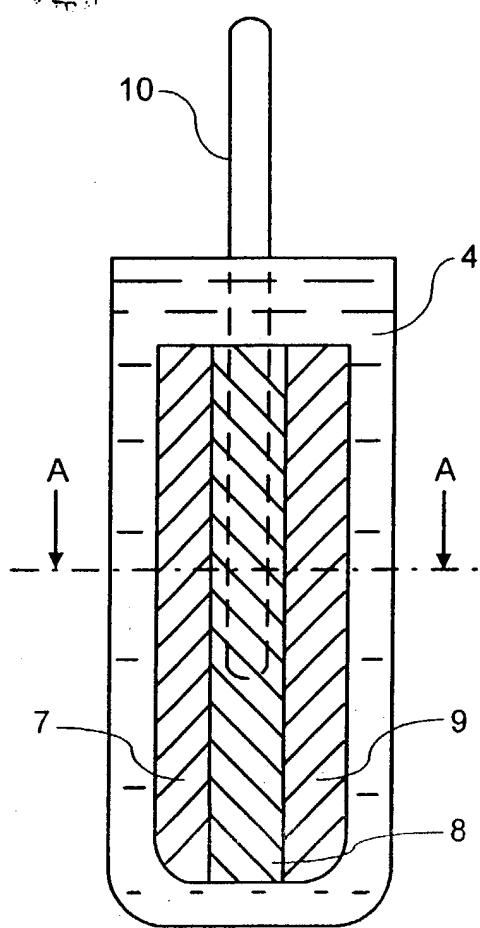


FIG. 1

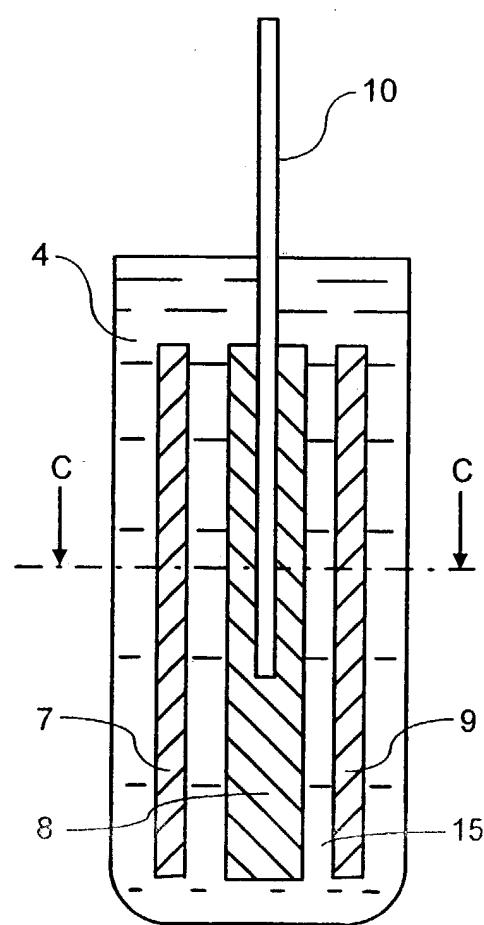


FIG. 4

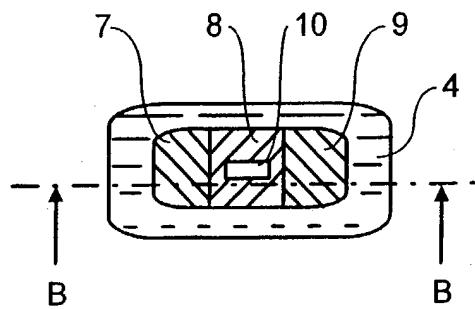


FIG. 2

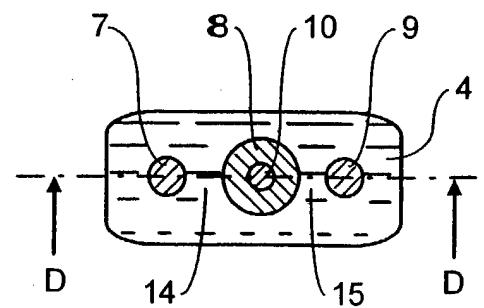


FIG. 5

APR 20 2004

2 / 2

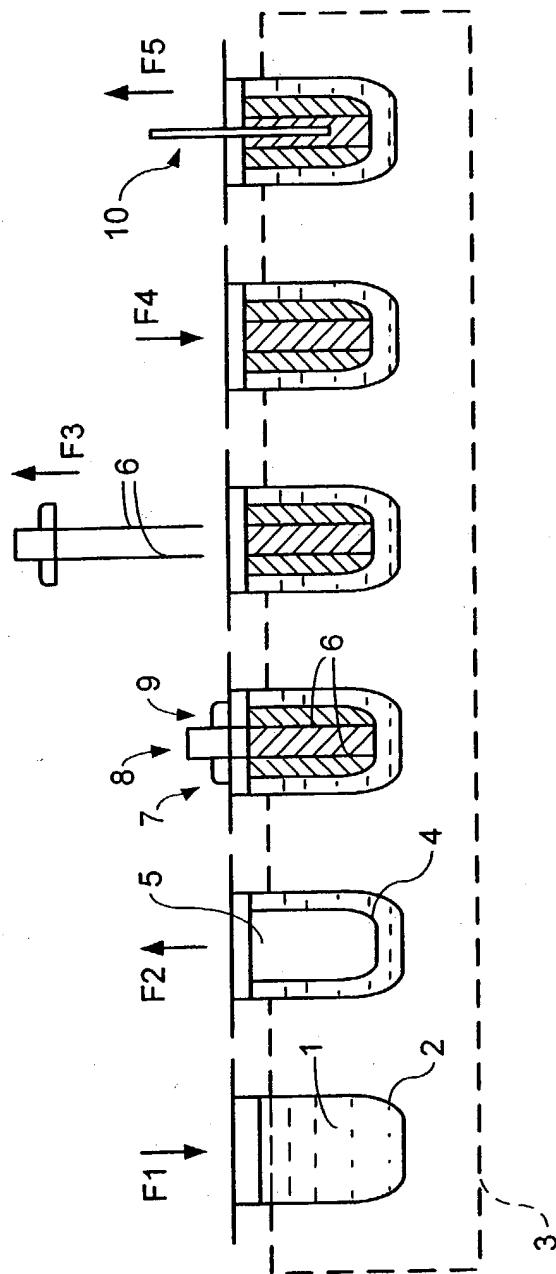


FIG. 3

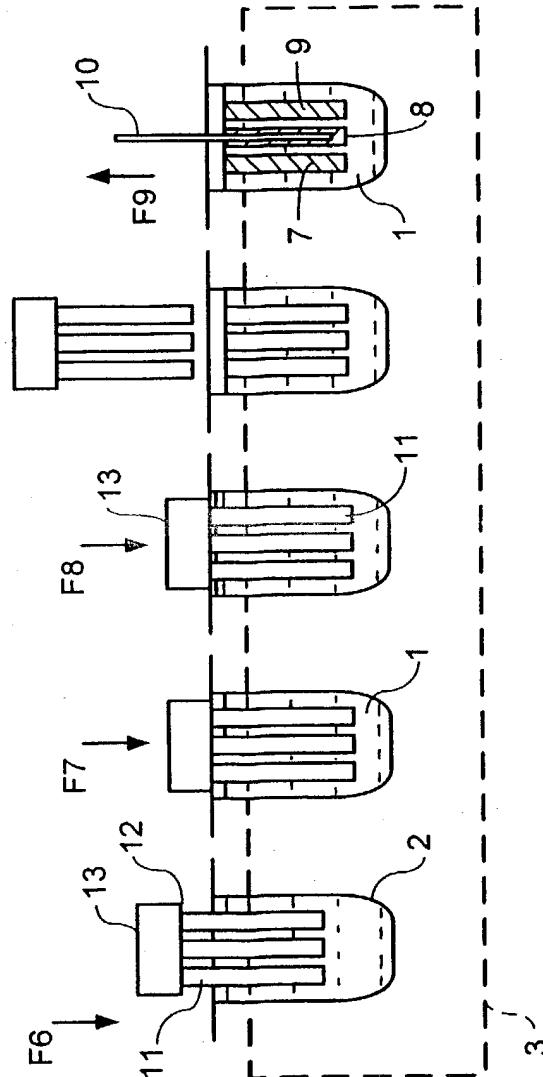


FIG. 6